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The Newhall Land and Farming Company
7

8 **UNITED STATES DISTRICT COURT**

9 **SOUTHERN DISTRICT OF CALIFORNIA**

10	CENTER FOR BIOLOGICAL DIVERSITY,)	Case No. 07-CV-2380 (JM AJB)
11)	
12	Plaintiff,)	THE NEWHALL LAND AND
13	v.)	FARMING COMPANY'S NOTICE OF
14	UNITED STATES FISH AND WILDLIFE)	MOTION TO INTERVENE AS REAL
15	SERVICE and DIRK KEMPTHORNE,)	PARTY-INTERVENOR
16	Secretary of the Interior)	Assignment:
17)	The Honorable Jeffrey T. Miller
18	Defendants.)	
19	_____)	
20	THE NEWHALL LAND AND FARMING)	Date: April 25, 2008
21	COMPANY,)	Time: 1:30 p.m.
22)	Place: Courtroom 16
23	Real Party-Intervenor.)	
24	_____)	Oral Argument Not Required

1 To the Court, all parties, and their respective counsel of record:

2 PLEASE TAKE NOTICE that on April 25, 2008, at 1:30 p.m., a hearing will be held
3 before the Honorable Judge Jeffrey T. Miller of the United States District Court, Southern District
4 of California, located at 880 Front Street, Courtroom 16 in San Diego, California, on the motion
5 by The Newhall Land and Farming Company ("Newhall") to intervene in the above-captioned
6 action to oppose the complaint submitted by the plaintiff.
7

8 This motion is made pursuant to Federal Rule of Civil Procedure 24(a) and (b), on the
9 grounds that Newhall has a significant and protectable interest relating to the property that is the
10 subject of this action. If permitted, Newhall's intervention would be on the side of the named
11 defendants, the U.S. Fish and Wildlife Service and the Secretary of the Interior, Dirk Kempthorne,
12 and would be in the form of an answer to the pending claims filed by plaintiff, Center for
13 Biological Diversity.
14

15 This motion is made following the conference of counsel, as described in the concurrently
16 filed Declaration of David P. Hubbard. Further, the motion is based on this Notice, the
17 accompanying motion to intervene as Real Party-Intervenor, the legal memorandum supporting
18 the motion, the Declaration of David P. Hubbard, all matters upon which this Court may take
19 judicial notice, and any documents submitted before or at the scheduled hearing.
20

21 March 19, 2008

Respectfully submitted,

22 David P Hubbard
23 Mark J. Dillon
24 Rachel C. Cook
25 Gatzke Dillon & Ballance LLP

26 Attorney for Applicant for Intervention, The Newhall
27 Land and Farming Company

28 By: /s/ David P. Hubbard
David P. Hubbard